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PATENT

ATTORNEY DOCKET NO.: 041514-5102-01

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

PRIOR APPLICATION:

Examiner: N. Hindi

Group Art Unit: 2655

# DIVISIONAL PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a [ ] Continuation [X] Divisional [ ] Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. <u>09/739,646</u>, filed on December 20, 2000.

Inventor(s): Takanori MAEDA, et al.

For: VARIABLE OPTICAL ELEMENT, A PICKUP APPARATUS HAVING THE VARIABLE OPTICAL ELEMENT, AND AN INFORMATION RECORDING AND REPRODUCING APPARATUS HAVING THE PICKUP APPARATUS

- 2. The papers enclosed are as follows:
  - 44 Page(s) of specification including
  - \_\_\_\_\_\_ Title Page
  - 5 Page(s) of claims
  - 1 Page of abstract
  - 12 Sheet(s) of drawings containing 23 Figures



## 3. Amendments

### For continuation and divisional applications:

- [X] Cancel in this application original claims <u>9-16</u> in the enclosed copy of prior application before calculating the filing fee.
- [ ] A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- 4. Oath or Declaration

### For continuation or divisional applications:

- [ ] A newly executed (original or copy) oath or declaration is enclosed.
- [X] A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- [ ] A signed statement deleting inventor(s) named in the prior application is enclosed.
- 5. Relate Back 35 U.S.C. § 120
  - [X] Amend the specification by inserting before the first line the sentence:

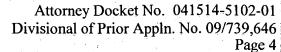
    "This is a divisional application of pending prior application no. 09/739,646, filed on December 20, 2000, which is hereby incorporated by reference.

- 6. Priority foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.
  - [X] Priority of the following foreign application is claimed:

<u>Country</u>	Application No.	<u>Filed</u>
Japan	11-375170	December 28, 1999

Japan	11-573170	Becomber	20, 1999
Certified copies:	is/are attached.		
Certified copies.	will follow.		
	X] were filed in prior U.S. Applie	cation No. <u>09/739</u>	9 <u>,646</u> on
	March 14, 2001.		
Assignment			
For continuation or di [X] The prior applic	visional applications: ation is assigned of record to <u>Pior</u>	neer Corporation	
	14, 2001 at Reel/Frame 011588/		
	of the invention to	, are enclosed.	and a
For continuation-in-pa	art applications:		
[ ] An assignment of	of the invention to		and a

PTO Form-1595, Recordation Form Cover Sheet, are enclosed.



10/624929

Fee Calculation (37 C.F.R. § 1.16)

	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$750.00 Design \$330.00
Total Claims (37 C.F.R. § 1.16(c))	16- 20 =	0	\$ 18.00 each =	+ \$0.00
Independent Claims (37 C.F.R. § 1.16(b))	3 - 3 =	0	\$ 84.00 each =	+ \$0.00
Multiple dependent claim(	s), if any (37 C.F.R. §	1.16(d))	\$280.00	+ \$0.00
SUB-TOTAL =				\$750.00
Reduction by ½ for 1	filing by a small entity	<del></del>		<b>- \$</b>
TOTAL FILING FEE =				\$750.00

9.	Fee	P	ayme	ent

	[]	NO FEE IS BEING PAID AT THIS TIME.
		This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
	[]	A check(s) in the amount of to cover is enclosed.
	[X]	The Commissioner is hereby authorized to charge \$750.00 for the filing fee to Deposit Account No. 50-0310.
10.	Small	Entity Status is <u>not</u> claimed.
		a statement claiming small entity status is enclosed, or
	[]	a small entity statement was filed in the prior nonprovisional application and is still proper and desired.
11.	[X]	The power of attorney in the prior application is to at least one of the registered

Please address all correspondence to Morgan, Lewis & Bockius LLP at:

be addressed to that Customer Number.

Customer Number: 009629

practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall

12. [ ]	Recognize as associate attorney
	(name, address, and registration no.)
13. [X]	<b>PETITION FOR EXTENSION OF TIME</b> . If any extension of time is necessary for the filing of this application, including any extension in the prior application, application No. <u>09/739,646</u> , filed on <u>December 20, 2000</u> , for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.
<ul><li>14. [X]</li><li>15. Addi</li></ul>	<b>EXCEPT</b> for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an <b>CONSTRUCTIVE PETITION FOR EXTENSION OF TIME</b> in accordance with 37 C.F.R. § 1.136(a)(3).
[X] [X] [ ]	Information Disclosure Statement Form PTO-1449, no references included Preliminary Amendment
	Respectfully submitted,
	MORGAN, LEWIS & BOCKIUS LLP
Date: July 2	By: Donald Monin, Jr.
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